

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SPEAR, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
FENKELL, et al.	:	NO. 13-2391

ORDER

On this 19th day of August, 2015, after careful review of the First Amended Cross-claims of Student Loan Management and Research Services (SLMRS) (Doc. No. 252), the Fenkell Parties' motion to dismiss (Doc. No. 267), and SLMRS' reply (Doc. No. 280) it is

ORDERED

that the motion to dismiss is GRANTED in part, as follows:

1. SLMRS' first cross-claim (Doc. No. 252) is dismissed WITHOUT prejudice.
SLMRS shall have 14 days from the date of this order to amend;
2. SLMRS' second cross-claim (Doc. No. 252) with respect to the aiding and abetting claim is dismissed WITHOUT prejudice. SLMRS shall have 14 days from the date of this order to amend;
3. SLMRS' third cross-claim (Doc. No. 252) is dismissed WITHOUT prejudice.
SLMRS shall have 14 days from the date of this order to amend;
4. SLMRS' fourth cross-claim (Doc. No. 252) insofar as it seeks equitable indemnification under ERISA, federal common-law, or Pennsylvania law, is dismissed WITH prejudice; and
5. SLMRS' fourth cross-claim (Doc. No. 252) insofar as the cross-claim seeks

contribution arising out of the Fourth and Fifth Claims for Relief in the First Amended Complaint, is dismissed WITH prejudice.

FURTHERED ORDERED

That the motion to dismiss is denied in part, as to

6. SLMRS' second cross-claim (Doc. No. 252) with respect to the conspiracy claim;
and
7. SLMRS' fourth cross-claim (Doc. No. 252) insofar as the cross-claim seeks contribution arising out of the Eleventh and Thirteenth Claims for Relief in the First Amended Complaint (alleging accomplice and co-conspirator liability under Pennsylvania law).

s/Richard A. Lloret
HON. RICHARD A. LLORET
U.S. Magistrate Judge